

REMARKS

I. Introduction

Claims 1, 3-5 and 7-17 stand rejected.. Independent claims 1, 4, 5, and 10 have been amended. Claims 18-22 are new. No new matter has been added. The amended claims and new claims are supported by the original disclosure. Upon entry of this amendment, claims 1, 3-5 and 7-22 will be pending.

Reconsideration of the application is respectfully requested in light of the amendments and the following remarks.

II. Rejection of Claims 1 and 3 Under 35 U.S.C. § 102(b) over Whitaker

Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,493,084 to Whitaker et al. (“Whitaker”). While this rejection is not necessarily agreed with, claim 1 has been amended to improve clarity.

To anticipate a patent claim, a prior art reference must show, either expressly or inherently, every element of the claim. *See* MPEP § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *See id.* Whitaker, however, does not show every element of claims 1 and 3. In fact, Whitaker lacks several elements of these claims. As a result, Whitaker does not anticipate claims 1 and 3.

Claim 1, as amended, recites:

1. (Currently Amended) A door handle assembly, comprising:
 - a support plate having a front side and a back side, wherein an aperture is disposed in the support plate;
 - a handle pivotably arranged on the front side of the support plate, **wherein a pivot pin and a cam shaft depend from the handle**, and wherein the cam shaft is arranged in the aperture **and configured to arcuately translate about the pivot pin**;
 - a cam follower disposed on the back side of the support plate, directly coupled to the cam shaft; and
 - a latch operably connected to the handle via the cam shaft and cam follower, configured so that force applied to the handle may be transferred directly via the cam shaft and cam follower to lift the latch.

Among other features, claim 1 includes a pivot pin and cam shaft that depend from the handle and a cam shaft configured to arcuately translate about the pivot pin. For at least the reasons presented below, Applicants respectfully submit that Whitaker does not disclose, teach, or suggest these features.

Whitaker generally relates to an operating mechanism for an enclosure-mounted circuit breaker. *See* Whitaker, Abstract. Whitaker describes, for example, a rotary handle

operator 10 that operates a shaft 33. *See* Whitaker, 4:65-67. In Whitaker, “[b]y turning the rotary handle operator 10 counterclockwise, the shaft 33 and the pivot 50 rotate in a like direction.” Whitaker, 5:62-64.

First, claim 1 recites that “. . . a pivot pin and a cam shaft depend from the handle.” Whitaker fails to disclose, or even suggest a pivot pin depending from the handle. For this reason alone, Whitaker fails to show, either expressly or inherently, every element of the claim.

Second, claim 1 recites that the “cam shaft is arranged in the aperture and configured to arcuately translate about the pivot pin.” The office purports that shaft 33 of Whitaker is analogous to the cam shaft of claim 1. *See* Office Action, pg. 2, para. 3. To the extent that Whitaker describes a cam shaft, which Applicants do not concede, the shaft 33 of Whitaker merely rotates about its own axis during operation of the rotary handle operator 10. *See, e.g.* Whitaker, Fig. 1. There is no disclosure, suggestion, or teaching to arcuately translate the cam shaft about a pivot pin depending from the handle during operation. Accordingly, for this reason alone, Applicants submit that Whitaker fails to disclose each and every element of claim 1 and therefore does not anticipate the claim.

For at least the above reasons, Applicants submit that claim 1 is not anticipated by Whitaker since this reference fails to disclose each and every element of claim 1. *See* MPEP § 2131. Applicants further submit that claim 3 is not anticipated by Whitaker by virtue of its dependence from claim 1 and on its own merits.

III. Rejection of Claim 4 Under 35 U.S.C. § 103(a) over Whitaker in view of Smolarski

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitaker in view of U.S. Patent No. 6,062,616 to Smolarski et al. (“Smolarski”). Applicants respectfully submit that claim 4 is not obvious based on the combination of Whitaker and Smolarski. Independent claim 4 recites:

4. (Currently Amended) A door handle assembly, comprising:
 - a support plate having a front side and a back side, wherein an aperture is disposed in the support plate;
 - a handle pivotably arranged on the front side of the support plate;
 - a pivot pin depending from the handle configured to engage the support plate; and**
 - a roller bearing arrangement depending from the handle and **laterally offset from the pivot pin**, the roller bearing arrangement configured to transfer force directly from the handle to a latch in order to lift the latch.

The Office admits that Whitaker does not specifically disclose a roller bearing arrangement depending from the handle, configured to transfer force directly from the handle to a latch in order to lift the latch. In order to correct this deficiency, the Office proposes that Smolarski teaches such an arrangement. Without acquiescing to Smolarski describing a roller bearing arrangement, Applicants respectfully submit that there is no teaching or disclosure in Whitaker or Smolarski that would suggest to an ordinary artisan to use “a pivot pin depending from the handle configured to engage the support plate; and a roller bearing arrangement depending from the handle and laterally offset from the pivot pin,” as recited by claim 4. Therefore, Applicant respectfully submits that there exist non-obvious patentable differences between claim 4 and the references and respectfully request withdrawal of the obviousness rejection with respect thereto.

Furthermore, the Office Action purports that Smolarski teaches a roller bearing assembly that is configured to **“move”** the latch. *See* Office Action, pg. 3, para. 5 (citing Smolarski, 2:1-7). The claimed feature, however, is a roller bearing that is configured to **“lift”** the latch, not **“move”** the latch as indicated by the Office.. Smolarski fails to provide any teaching or suggestion regarding “lifting” a latch. In fact, the “locking and latching mechanism” of Smolarski is not even shown in the figures. The cited portion of Smolarski merely provides:

secured to the face of the door (not shown), the face plate 11 in turn supporting a handle 12 that extends through the face plate 11 and the door to engage a **locking and latching mechanism (not shown)** via a spindle 13 which is driven by the handle 12. The handle 12 is secured to the face plate 11 to be pivotable relative to the face plate to drive the lock or latching mechanism.

Smolarski, 2:1-7 (emphasis added). The claim requires the roller bearing lift the latch, not simply move the latch. Smolarski provides no description as to how the spindle 13 engages the lock and latching mechanism. Moreover, this reference fails to provide any teaching, or even suggestion, as to how the latching mechanism would be “lifted” by the assembly. The Office Action is not believed to provide any evidence of how an ordinary artisan would arrive at the claimed features based on the disclosure of Smolarski. Further, Applicants respectfully submit that Smolarski is not even applicable to a latch that is lifted because the Smolarski door handle mechanism would not work for such a latch. As such, it is respectfully submitted that Whitaker and Smolarski, alone or in combination, do not render unpatentable claim 1.

IV. Rejection of Claims 5, 7-9 and 14-17 Under 35 U.S.C. § 103(a) over Greenwood in view of Whitaker

Claims 5, 7-9 and 14-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,813,675 to Greenwood (“Greenwood”) in view of Whitaker.

Greenwood is cited for disclosing a gaming terminal comprising a housing and a door movably attached to the housing. *See* Office Action, pg. 4, para. 6. Greenwood does not correct, and is not purported to correct, any of the deficiencies of Whitaker outlined above with respect to claims 1 and 4.

Claim 5, as amended, recites the feature:

a handle pivotably arranged on the front side of the support plate, **wherein a pivot pin and a cam shaft depend from the handle**, and wherein a cam shaft configured to **arcuately translate about the pivot pin and be arranged in the aperture**;

Applicants respectfully submit that claim 5 has been amended similarly to claim 1 and is therefore allowable at least for analogous reasons. Claim 7-9 depends from claim 5 and therefore includes all of the features recited in claim 5. As such, it is respectfully submitted that the combination of Greenwood and Whitaker does not render unpatentable claims 7-9 for at least the same reasons set forth above in support of the patentability of claim 5.

Claim 14 includes the feature:

means for directly transferring a force imparted on the extension member to the door latch, to lift the door latch.

With regard to functional language, even if the prior art device arguably performs all the functions recited in the claim, a prior art reference cannot anticipate the claim if there is any structural difference. MPEP 2114 (emphasis added). First, Applicants do not concede that the cited references perform the recited functions in the claim. But, even if the function is found to be the same, the recited structure for directly transferring a force are structurally distinct. In fact, as outlined in more detail above with respect to claims 5 and 7-9, Whitaker and Greenwood fail to provide numerous structural elements and therefore this combination of references can not anticipate these claims. Claims 15-17 depend from claims 14 and are therefore allowable for analogous reasons.

V. Rejection of Claims 10-13 Under 35 U.S.C. § 103(a) over Greenwood in view of Whitaker and Smolarski

Claims 10-13 were rejected under 35 U.S.C. § 102(b) over Greenwood in view of Whitaker and Smolarski. While this rejection is not necessarily agreed with, claims 10 has been amended to improve clarity.

Claim 10, as amended, recites:

10. (Currently Amended) A gaming terminal, comprising:
a housing;
a door movably attached to the housing; and
a door handle assembly attached to one of the door and the housing, the door handle assembly including
 a support plate having a front side and a back side, wherein an aperture is disposed in the support plate,
 a handle pivotably arranged on the front side of the support plate;
 a pivot pin depending from the handle configured to engage the support plate; and
 a roller bearing arrangement depending from the handle **and laterally offset from the pivot pin**, the roller bearing arrangement configured to transfer force directly from the handle to a latch in order to lift the latch.

The cited references, either alone or in combination, fail to disclose, teach, or suggest numerous claims features of claim 10, as amended. As discussed above with regard to claim 4, Whitaker or Smolarski fail to describe or even suggest “a pivot pin depending from the handle configured to engage the support plate; and a roller bearing arrangement depending from the handle and laterally offset from the pivot pin.” Additionally, as previously discussed with regard to claim 4, Smolarski fails to disclose a roller bearing assembly that is configured to lift the latch. Greenwood merely generally relates to a gaming terminal and does not, and is not purported to, cure these deficiencies of Whitaker and Smolarski. As such, it is respectfully submitted that the combination of Greenwood, Whittaker and Smolarski, alone or in combination, do not render claim 10 unpatentable. Claims 11-13 are allowable based on their dependence upon claim 10 and their own merits.

VI. New Claims 18-22

New claims 18-22 depend from allowably independent claims and therefore should be allowable for at least the same reasons as their respective parent claims.

Separately and independently, claims 18, and 20-22 recite an arcuate translation from a first position to a second position within the aperture. This feature is neither taught nor suggested by Greenwood, Whitaker, or Smolarksi.

Separately and independently, claims 19 recites “wherein the pivot pin and the cam shaft are pivot pin are laterally offset.” This feature is neither taught nor suggested by Greenwood, Whitaker, or Smolarksi.

V. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Office is hereby authorized to charge any additional fees, which may arise out of the filing of this paper, including any necessary extension of time, or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to the deposit account of **K&L Gates LLP**, Deposit Account No. **0080570**.

The Examiner is invited to contact the undersigned at the telephone number below to discuss any matter concerning this application.

Respectfully submitted,
K&L Gates LLP

Dated: August 11, 2009

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